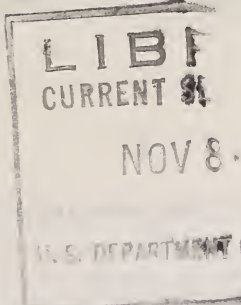


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## United States Department of Agriculture

### **Food Distribution Administration**

SERVICE AND REGULATORY ANNOUNCEMENTS No. 104,<sup>1</sup> REVISED

## **RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE UNITED STATES STANDARD CONTAINER ACT OF AUGUST 31, 1916 (39 STAT. 673), AS AMENDED JUNE 11, 1934 (48 STAT. 930)**

By virtue of the authority vested in the Secretary of Agriculture by an act of Congress entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes", approved August 31, 1916 (39 U. S. Statutes at Large, p. 673), as amended June 11, 1934 (48 Stat., p. 930), I, W. R. Gregg, Acting Secretary of Agriculture, do establish and promulgate the following rules and regulations, to be in force and effect on and after the 1st day of September 1936. These rules and regulations shall supersede the rules and regulations approved by the Secretary of Agriculture September 12, 1917, under Service and Regulatory Announcements No. 104, revised.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 22d day of July 1936.

Acting Secretary of Agriculture.

### **Regulation 1. Definitions**

SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. For the purposes of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean—

*Paragraph 1. Standard Container Act of 1916.*—The act entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes", approved August 31, 1916 (39 U. S. Stats. at Large, p. 673), as amended June 11, 1934 (48 U. S. Stats. at Large, p. 930).

*Paragraph 2. Containers.*—Climax baskets for grapes and other fruits and vegetables, and for mushrooms, and baskets or other containers for small fruits, berries, and vegetables.

<sup>1</sup> This announcement was originally issued as Service and Regulatory Announcements No. 104 of the Bureau of Agricultural Economics.

## Regulation 2. Tolerances and Variations

SECTION 1. For the purpose of ascertaining whether a container is within the tolerances and variations as to capacity allowed by these regulations it shall be tested by the bulk-for-bulk method, as described in United States Department of Agriculture Miscellaneous Publication No. 75, or by the dimensional measurement method, which is accomplished by taking the dimensions of the container and from these computing the capacity. Only the actual capacity of the container when level full shall be considered, and such portion of the contents as may be heaped above the level of the top of the sides shall be disregarded, notwithstanding any raised cover which might permit the extension upwards of the contents.

SEC. 2. *Paragraph 1.* As prescribed in this section, the following tolerances and variations in the capacities of containers are found to be reasonable and necessary and are hereby allowed.

*Paragraph 2.* The excess or deficiency in capacity of any container, over or under the capacity prescribed for such container in the Standard Container Act, as specified below in the column designated "Standard capacity", may be as much as, but not greater than, the amount stated in cubic inches in the same line in the column designated "Excess" or "Deficiency", as the case may be, but among any lot of containers which are not all of the standard capacity prescribed for such containers by the Standard Container Act, the number over shall be as nearly equal as may be practical to the number under such standard capacity, within the tolerances and variations allowed therefor in this section.

### *Schedule of tolerances under the United States Standard Container Act*

Standard capacity	Tolerances and variations	
	Excess	Deficiency
	<i>Cubic inches</i>	<i>Cubic inches</i>
12 quarts.....	23	12
4 quarts.....	10	5
3 quarts.....	7½	3¾
2 quarts.....	5	2½
1 quart.....	3	2
1 pint.....	2	1½
½ pint.....	1	¾

*Paragraph 3.* In case of a container having a capacity to which a standard is applicable which is not specified in the column headed "Standard capacity" in the foregoing table, the excess or the deficiency allowed shall be that permitted for the next smaller standard capacity specified in the table, but this shall not apply to containers for which variations and tolerances shall be permitted and established under the act entitled "An act to fix the standard barrel for fruits, vegetables, and other dry commodities", approved March 4, 1915 (38 U. S. Stats. at Large, p. 1186).

SEC. 3. *Paragraph 1.* As prescribed in this section, the following tolerances and variations in dimensions of Climax baskets for grapes and other fruits and vegetables and for mushrooms are found to be reasonable and necessary and are hereby allowed, subject, however, to the tolerances and variations in capacity allowed in section 2 of these regulations.

*Paragraph 2.* The excess or deficiency in any dimension specified below in the column designated "Dimensions", over or under the measurement prescribed for such dimensions in section 1 of the Standard Container Act, may be as much as, but not greater than, the amount specified opposite such dimension in the column designated "Excess" or "Deficiency", as the case may be.



*Schedule of tolerances and variations standard Climax baskets*

Basket dimensions (outside measurements)	Excess	Deficiency
	<i>Inches</i>	<i>Inches</i>
Combined length and width of top:		
2-quart and 1-pound mushroom.....	$\frac{1}{4}$	$\frac{1}{4}$
4-quart.....	$\frac{3}{8}$	$\frac{3}{8}$
12-quart.....	$\frac{3}{4}$	$\frac{1}{2}$
Height, all sizes.....	$\frac{1}{8}$	$\frac{1}{8}$
Width of bottom, all sizes.....	$\frac{1}{8}$	$\frac{1}{8}$
Length of bottom, all sizes.....	$\frac{1}{8}$	$\frac{1}{8}$
Thickness of bottom, all sizes.....	$\frac{1}{32}$	$\frac{1}{32}$
Length of cover, all sizes.....	$\frac{1}{8}$	$\frac{1}{8}$
Width of cover, all sizes.....	$\frac{1}{8}$	$\frac{1}{8}$

### Regulation 3. Marking

**SECTION 1. Paragraph 1.**—In the case of the 1-pound Climax basket for mushrooms which are required to be plainly marked or stamped with the words “for mushrooms only”, such marking or stamping shall be not less than  $2\frac{1}{2}$  inches in length over all, and composed of letters not less than three-eighths of an inch in height.

## UNITED STATES STANDARD CONTAINER ACT

(39 U. S. Statutes at Large, p. 673)

(As amended by act effective June 11, 1934 (48 Stat. 930))

### TEXT OF THE ACT

AN ACT To fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively:

(a) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

(b) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(c) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

The standards for Climax baskets for mushrooms shall be those set forth above, except that a one-pound Climax basket of the following dimensions shall be standard for mushrooms when plainly stamped or marked on the side of the basket with the words “for mushrooms only”: Length of bottom piece,

seven and three-fourths inches; width of bottom piece, three and three-sixteenths inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and five-eighths inches; top of basket—length, nine and three-eighths inches; width, four and three-eighths inches—all outside measurements. Basket to have a cover four and three-eighths by nine and three-eighths inches, when cover is used.

SEC. 2. That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart...

(a) The dry half pint shall contain sixteen and eight-tenths cubic inches.

(b) The dry pint shall contain thirty-three and six-tenths cubic inches.

(c) The dry quart shall contain sixty-seven and two-tenths cubic inches.

SEC. 3. That it shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this Act, or to use in any such shipment for any commodity other than mushrooms the one-pound Climax basket provided for in section 1 of this Act; and any person guilty of a willful violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made.

SEC. 4. That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this Act, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

SEC. 5. That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of the Act is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case herein provided.

SEC. 6. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this Act, were purchased, to the effect that said Climax baskets, baskets, or other containers, are correct within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

SEC. 7. That this Act shall be in force and effect from and after the first day of November nineteen hundred and seventeen.

Approved, August 31, 1916.